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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/032,834

12/27/2001

Chi Fai Ho

4749-109

9033

32294

7590

01/17/2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

14TH FLOOR

8000 TOWERS CRESCENT

TYSONS CORNER, VA 22182

EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT

PAPER NUMBER

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/032,834	HO ET AL.	
	Examiner	Art Unit	
	Jamisue A. Plucinski	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-17 and 19-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-17 and 19-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-17, 19-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lawson et al. (6,185,613).

5. With respect to Claims 1, 15, 17, 31, 33, 35, 37, 39, 41-44, 45, and 48: Lawson discloses a method, system and computer program product for distributing events comprising the steps and means for:

a. Registering one or more recipients (Column 4, lines 41-46), Lawson discloses the recipients are registered to receive emergency event information, the action of receiving information, the examiners considers to be a process, therefore it becomes a recipient process;

b. Receiving events (Column 5, lines 8-21)

c. In response to receiving events, determining if recipients are registered to receive events (Column 4, lines 41-46) by parsing the event link lists (Column 5, lines 7-21)

Lawson discloses the events are linked and given a hierarchical relationship between global events and local events, therefore the examiner considers this to be a linked list tree. Lawson discloses the recipient registers (see Figure 7), then the system creates packets with local information, and then sends it to a local even globalization processing. Therefore, the examiner considers the recipient process to be registered, by sending it to the event globalization process when breaks it down hierarchically, which the examiner considers it to be a linked list tree, therefore Lawson discloses the recipient processes are registered by creating a linked list tree.

- d. Furthermore, how the recipient processes are registered are deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The receiving and distributing steps would be performed the same regardless of how the processes are registered. Furthermore, the applicant has not claimed this to be a positive limitation, but merely stated in a "wherein" clause. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
- e. In response to said determination, forwarding events to recipients registered to receive events, or dropping event if no recipients are registered for the event (Column 11, lines 9-25).
- f. Registering a recipient by Creating a linked list tree comprising an event link list logically linking event entries, and where each event entry is associated with one of the events and a process linked list, which is logically to the recipients and events (Column 9, lines 15-24, Column 11, line 49 to Column 12, line 2; Lawson discloses processes are associated or linked to events, wherein the notification of the event includes steps to be taken, which the examiner considers to be a process, as well as discloses processes are run due to the notification of the event);
- g. Creating an event linked list by the recipient (Lawson discloses the recipient is allowed to register with a customer event types as well as discloses the events can be local or global, therefore the examiner considers this to be the recipient registering an event linked list, Column 4, line 50 to Column 5, line 7);

- h. Updating event linked list for adding an event entry (Column 10, lines 7-23).
2. With respect to Claims 3, 9-14, 16, 19, 25-28, 30, 32, 36, 40, 46, and 49: Column 9, lines 15-24, Column 11, line 49 to Column 12, line 2.
3. With respect to Claims 4, 20, 34, 38 and 47: Column 11, lines 49-67.
4. With respect to Claims 5, 6, 21 and 22: Lawson discloses the event record comprising a type of event, where the type of event is used to match the events needing notification (Column 16, lines 20-31). The examiner considers the type of event to be a form of an event code.
5. With respect to Claims 7 and 23: Lawson discloses the use of a filter, which recognizes, when an event has repeated and includes an identifier in the entry (See Figure 4). It is the examiner's position that the identifier constitutes an event count, due to the fact that it indicates if the event has happened more than once.
6. With respect to Claims 8 and 24: Lawson discloses the use of an event queue, which can either be given a priority, or it can be a first in last out queue. It is the examiner's position that anytime there is a queue, there is inherently going to be a pointer to the next event, after one has been processed, (Column 10, line 57 to Column 11, line 8).

### ***Response to Arguments***

7. Applicant's arguments filed 3/17/06 have been fully considered but they are not persuasive.
8. With respect to Applicant's arguments that Lawson does not teach or suggest each element of the claims: particularly that one or more recipients are registered by creating a linked

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list tree including an event linked list, and a process linked list. The applicant has stated that there is no teaching or suggestion in Lawson of registering the recipient processes by creating a linked list tree. First, the examiner has modified the rejection to explain how it is the examiner's position that the "recipient processes" are registered by sending the information to a globalization event processor, which then breaks down and registers the recipient in a local registry, therefore a "recipient process" is then created by linking the recipient with the global event and the local event, which is a hierarchical relationship, which the examiner considers to be a linked list tree. Furthermore, as stated above. The applicant has not positively claimed the limitation of creating a linked list tree. All the applicant has done, as stated that the recipient processes are registered by creating a linked list tree in a "wherein" clause. Therefore the actual steps of the method are performed the same regardless of how the recipient processes was registered, especially due to the fact that further in the claim, none of the cited steps even use the linked list tree. Therefore the information is considered non-functional descriptive material, and therefore not distinguishable over the prior art. Rejection stands as stated above.

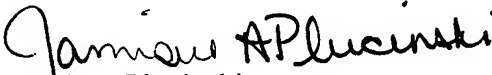
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jamisue Plucinski  
Patent Examiner  
Art Unit 3629